

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1273 of 2021

Jwala Pandey S/o Late Rajnish Pandey Aged About 25 Years R/o Belgahna,
 Chowki - Belgahna, Police Station - Kota, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Chowki - Belgahna,
 Police Station - Kota, District - Bilaspur (Chhattisgarh).

---- Respondent

For Applicant : Ms. Itu Rani Mukherjee, Advocate.
 For State : Mr. Sudhir Sahu, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

07/10/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.640/2021 registered at Chowki - Belgahna, Police Station - Kota, District - Bilaspur (CG), for the offence punishable under Sections 327, 294, 506, 323, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 05.09.21 at about 09:15 pm, when complainant was standing near Pappu Dhaba, applicant along-with Shahid (co-accused) came near him on motorcycle and asked for money for consuming liquor. Upon refusal to give money, they started abusing and assaulting complainant by means of hands and fists. Incident was reported to the concerned Police Station based upon which aforementioned crime is registered against applicant and Shahid (co-accused).
3. Learned counsel for the applicant submits that applicant has been falsely implicated in commission of crime. There was dash of motorcycle with vehicle of complainant upon which dispute took place. Only to implicate applicant and Shahid (co-accused) in graver offence allegation of demand of money has been levelled. Upon examination of injury of complainant, it has come that he has not suffered any external injuries. There is no any other criminal antecedents against applicant. Hence, he may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for

applicant and submits that in complaint there is specific allegation of demand of money, upon refusal to give money complainant was assaulted by applicant and co-accused. Applicant suffered injury on left side of his neck due to which he is unable to speak properly. Hence, he is not entitled for grant of anticipatory bail. On putting a query to Learned State Counsel of criminal antecedents, he submits that in case diary there is no mention of any criminal antecedents against applicant.

5. Heard learned counsel for the parties.
6. Considering entire facts and circumstances of the case, nature of allegation, material available in case diary, age of applicant to be 25 years, and the fact that applicant is not having any criminal antecedents, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in event of arrest of applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
 Judge

Jamal/-